Ep #85: Make Work Visible: Using Kanban Boards To Manage Your Law Firm's Capacity

Full Episode Transcript

With Your Host

John E. Grant

Ep #85: Make Work Visible: Using Kanban Boards To Manage Your Law Firm's Capacity

One of the challenges with knowledge work, and that includes legal work, is that it's inherently hard to see. You can contrast that with physical work on a factory floor, for example, where if a particular workstation is understaffed or maybe broken or underperforming, you can literally see the work piling up around it. With knowledge work, it's trickier. We use status updates and tracking tools, but we don't have the same visual pathways you'd find that you can manage work, say in a factory, a warehouse, a retail store, or even an old school law firm with paper files.

And that's why one of the core calls to action from Agile methodologies in general, and the Kanban method in particular, is to make work visible. And in this episode, I'm going to talk about making work visible and all of the powerful and useful things that happen when you take otherwise hard-to-see knowledge work and give it a clear visual form using a Kanban system.

You're listening to the *Agile Attorney Podcast*, powered by Agile Attorney Consulting and Greenline Legal. I'm John Grant and it is my mission to help legal practitioners of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more Agile Attorney? Let's go.

Hey everyone, and welcome back. So, this week, I'm going back to one of the core concepts of Agile and the Kanban method, and that's the importance and the usefulness of making work visible.

And here's the thing. Knowledge work hides. It hides in inboxes, it hides in chat threads, it hides in people's heads. It hides in half-finished tasks, and that invisibility lets overcommitment creep in and subtly, quietly, but you say yes to one more matter, to one more task, to one more quick thing or quick review. And before long, you and your whole team are operating over capacity.

And then once you're over capacity, it sort of creates its own weather, right? You generate this administrative overhead, these tracking costs, these management tasks that consume your time and energy and capacity without actually adding value for your clients. And without returning value from your clients to you and your firm. That coordination task is very real and it's the thing that I've talked about in these past episodes around delivery debt and technical debt. And as it grows, the work just gets harder and harder and harder to get on top of.

And making work visible can be a really useful antidote to that problem. So, a Kanban board specifically, that is my favorite tool. And whether it's sticky notes on a wall or cards in software, it turns those abstract deliverables, commitments, promises into tangible, visible items that you can count and see and sequence.

And that visibility does three crucial things right off the bat. Number one, it helps you quantify your commitments. It lets you see the things that you've already promised. And when they're building up in the columns in the sections of your board, hopefully eventually you're going to see where it becomes too much.

And especially coupled with things like WIP limits or queue columns or these other slightly more advanced Kanban concepts, it really helps you eliminate the guesswork around capacity with these structures and systems that help you really try to limit the amount of work you have in your system to the amount of work you can actually reasonably deliver upon.

Then, when everyone can see the load and can see the work, you can have better conversations about how to prioritize that work. What stuff should you take on now? What stuff should you delay, push off for another date, and what stuff should you just drop or get rid of entirely?

So, the board almost serves as this vehicle for a common language and a common understanding, and one of the things I love, which is this sort of single source of truth about how you're using up your capacity. Not just for, again, the tracking of the existing work, but for making smarter decisions about what work and what new work to bring in.

And that should be the through line for today's episode, right? Once the work is visible, you'll be able to spot bottlenecks better, you will improve your handoffs, and you'll also strengthen the overall team communication and create more of an objective feedback loop for each other and for bigger teams up to leadership about when the team and when the system is at or over capacity.

Now, one of the most obvious ways that things just sort of jump out at you once you make work visible in a Kanban board is you see where work is getting stuck. You can spot the bottlenecks, and it's usually where work is really building up in a single section of your board, usually a column.

And as I've talked about before, oftentimes those bottlenecks are associated with client homework or sometimes other third parties, but client homework is the big one that I see. The next big one that I tend to see is in internal review, what I think of as a quality assurance phase, where someone on the team has done a thing and then someone else has to review it before it goes out the door. And that review phase is often a bottleneck.

And then the other one is just for phases of work that tend to take a long time and the classic example there in a litigation workflow at least, is the discovery process and discovery just takes a while. It's designed to take a while.

And you still want to know when work is building up in that discovery phase because all of those discovery tasks will start to collide with each other. And especially if you've got dates that you're tracking, whether for the production you have to put out or the production you expect from the opposing party, you don't want those dates to be colliding. And so you need to manage those types of bottleneck stages, even though the duration is kind of expected to be long, you still have to be really intentional about the capacity and the volume of work you take in in those naturally long phases.

Now, another advantage of making work visible in a Kanban system, and this is again, assuming that you're using cards to represent work, usually at the matter level at first, and then you're using columns to represent the phases of work or the stages of work.

Then the thing that the Kanban system winds up doing is helping the entire team understand the workflow better and come up with this better common understanding of all of the parts of the process for work to get from A to Z through your system, as opposed to certain people on the team really just micro focusing on the work that they're being asked to do.

And I actually had a real world example of this explained to me just the other day. I was talking with a podcast listener and a Kanban user, and she was admitting that when she was a true solo, she actually struggled to sort of keep to a Kanban system and keep using a Kanban board, the Kanban method.

And I see that fairly often. I frankly struggled with that myself at times where when it's just you in a practice, it's relatively easy, not always as easy as you'd like it to be, but you can kind of sort of keep a mental model of all of the work that you have, all the commitments that you've made for a typical practice. Different practices have different volumes, and so I'm not saying this is true across the board. But for this attorney in particular, she was describing to me that she didn't really feel like she needed the Kanban system when it was just her.

But when she hired a virtual assistant, the board became indispensable. And the reason why is a few things. Number one, this was a person that had no background in the particular type of legal work that this particular attorney was doing. And so the structure of the board, the columns and the flow, wound up helping give this new employee context and an understanding of what the overall workflow looked like. And so it sped up the onboarding process to get this new person up to speed more quickly and more intuitively.

Then, once she understood or once both people sort of had a common understanding of what the workflow was, the board became their coordination tool. So every assignment that was requested of the virtual assistant, every commitment that assistant made, it all lived on the relevant matter card for the work as it flowed through the system, which gave them that single source of truth. What have I asked you to do? What have you committed to? How can I see if I've given you too much or maybe if you have too little?

And then as you move the cards through the process or check off the subtasks as they go through the system, then the senior attorney or the managing attorney never really had to ask, hey, what's the status of X? Because the board just reflects it. It's just part of their natural rhythm.

In particular, this team uses a daily stand up, and it's just a team of two, it's not a big team, but one of the things that's really useful is they're always looking at the board when they have their stand up. And they're using it in different ways to understand what are the cases, the matters, the cards, because it's a Kanban system, that most need our attention today, that are most deserving of our attention today.

And they can really use the board to qualify work for the finite capacity that they have day in and day out in order to maximize how they apply their capacity in order to deliver the most value to the clients and to the firm.

One of the other things that winds up happening, and I've seen this with a lot of teams is when you do this coordination, and I love a daily stand up, but it doesn't have to be daily. It can be a couple times a week or even once a week. But when you do the work with the Kanban board present in the meeting and you're using the board as the coordination tool, there's this really fascinating thing that happens that's a little bit of a, I don't know, a human dynamic thing.

And one of the things we talk about in Agile broadly, and this is true in lean and certainly the Kanban method, is to manage the work, not the workers. And the board helps you do that because it really is this representation, this visual manifestation of the work.

And without the board present representing that work, then conversations about tasks and assignments and commitments and accountability can feel kind of personal, right? They wind up using questions like, why haven't you done X yet? Or could you please deliver Y so that I can unplug my bottleneck and move forward? But it's very about what you did or didn't do or what I did or didn't do. And those are hard conversations as humans. We don't love having that kind of discussion. It just is easy to feel under attack.

But when you've got the board present and the cards present representing the work, then all of the people on the team can point to a card or a task and talk about why isn't this moving forward? What's going on with this case that is preventing it from making the progress that we would like to see?

And by having that sort of third thing or that extra thing in the room that you can all point to where you're not sort of looking at each other, you're all looking at the board and you're discussing what you see on the board, it winds up being a lot less personal, a lot less accusatory. It winds up creating much more honest conversations about blockers and commitments and colliding commitments and things like that.

And that in turn starts to generate a better culture on the team overall. It generates this term that I think I've used before, but it's certainly something that you'll see a lot in management these days. I think for good reason, which is this notion of psychological safety. So being able to have these more robust, sort of adult, mature conversations about the work tends to foster psychological safety among the members of your team.

It also makes those tradeoffs more explicit, right? So if someone says, how come task C didn't make progress? And the team member that was responsible for it said, yeah, I couldn't get to it because I was busy finishing tasks A and B, that's a reasonable statement that you can all evaluate together. And if priorities need to change, you can have a reasonable discussion about how to change them.

If the visual signals of the board say that something else should be a higher priority, maybe further to the right on the board, which is closer to done, or higher up in the column, or maybe giving a deadline or a token or some other visual signal that, yeah, this is something that needs attention right now, you can adjust based on a shared view of the work.

And if lots and lots of different cards are giving those "needs attention now" signals, then you can have sort of a fine tuning conversation to figure out, all right, who's going to triage? You take these, I'll take these, but figure out how you're going to manage it all.

Now, those tradeoffs you may recognize as one of the things that I talk about all the time, right? The honest reckoning of capacity, which is part of what the board is trying to represent your capacity, and then the flip side of that coin is the brutal assessment of priorities. Engaging in these tradeoffs to figure out, well, I can't do all the things at once. So how am I going to figure out which ones I should do next?

And that gets me to the next benefit of making work visible is that the board becomes a feedback loop for capacity. And I'll give you another real world example from work that I was doing with a client just this week. I was working specifically with sort of the two people that make up the operations team for a, still small but growing and kind of rapidly growing law firm.

And this team maintains what we call a back office board to sort of capture all of the administrative tasks that need to happen inside of the firm. So the human resources management, the technology management, the facilities management, all of the keep the lights on and keep the business running activities.

And we have this sort of split level board where we have higher level projects that exist on what we refer to as a flow level two board. So project level board, the work is flowing kind of on the order of weeks to months and maybe even quarters.

And then down below, we have what we think of as a fast flow board or a task level board or what I will sometimes call a flow level one board. And that is work that is moving ideally on a daily basis. Sometimes as quickly as an hourly basis, and sometimes maybe it takes a week or two, but it's moving on a much faster scale. And on that flow level one board, each individual person on the team has their own section of the board, so they can manage their personal work, their personal tasks that way.

And ultimately, the issue that this operations team was having is the issue that I run into all the time is they were feeling behind on stuff. They were feeling like even though they were doing their best to get everything done that was asked of them, not only were they not getting caught up, but that some work was actually getting stuck and getting stale and falling behind.

And I actually kind of have two answers to this problem. One of them is that even in a relatively healthy system, right, clearing out my daily tasks is this sort of Sisyphean thing where, yeah, I can finish all the things that were in my today column, but I'm going to come back in tomorrow and it's going to fill right back up, and I'm going to have to do the next chunk of work because that's just the nature of life in a law firm, a capitalist society, you name it, right? This is just how it is.

And, one of the other things we can do, and this isn't exactly related to making work visible, but using one of these higher quality Kanban systems, we can start to pull analytics and we can see throughput and we can see velocity and we can see if work is getting stuck and cycle time, and there's lots of great sort of workflow metrics we can use that will help the team feel like they're making progress even if the total set of tasks never quite seems to drop because there's always going to be some new set of tasks to replace the ones you just finished.

But that's actually not quite what was happening. I mean, they had that frustration, but it was more than that, which is they really did feel like certain tasks were getting stuck, getting delayed. Some of them were actually getting stuck because they required the review of one of the two partners from this firm. And so hold that thought for a minute.

The other flavor of work that was getting stuck was just getting stuck because the members of this ops team would run out of time at the end of the day, and they'd push it down the road a little bit, and then they'd get the next bucket of work, and they'd do that. And then the one or two, or, you know, maybe five or six tasks that they kept meaning to get to never quite rose to the level of urgency that required their attention that day. So it kept getting kicked further and further and further down the road.

And again, that's totally natural, probably really healthy, but the thing that both of those problems require, and I kind of had to nudge the team to do this, is they're not the ones generating those tasks. It's the partners and the leadership of the firm that is asking them to get all of these things done. They're asking more from the team than the team can reasonably deliver.

But the thing that was happening was the members of this team were a little bit embarrassed to provide that information back up to the leadership. And I sort of strongly encouraged them, and I will also, because I work with leadership in this team as well, I will sort of reflect this myself, but leadership needs to know when the team starts running behind because it's a sign that they're assigning too much work. They're making too many commitments and they're putting the team over capacity and they're generating all of those kinds of problems of overcapacity.

And that's a form of feedback loop, right? We're trying to make sure that the leadership, the bosses, the managers, really anyone on the team that is going to be generating commitments, generating tasks, they need to know when they've gone too far, when somebody's running behind so that they can make intelligent and reasonable decisions about whether they commit to fewer things, whether they bring on other resources in order to help out with certain things, whatever it happens to be, right? Load balancing is what I will call that.

The other thing, though, and I asked you to hold this thought, right? Some of the tasks were stuck because they needed review or approval or certain types of work done by the law firm leaders, by those two owners. And the owners weren't doing it. And so the work was stuck due to a resource constraint because the owners of the firm are bottlenecks in any number of contexts.

But that too is a form of feedback loop. And so we're using the visual nature of the Kanban board and the information that comes off of the cards and the columns and the reports, all the other visual signals that we use in order to not just get these feedback loops personally, but if we need to, to push them up to management and to be able to say, you know, I need to cry uncle here.

I have too much on my plate and it's not that I'm not working hard, I can show you the flow graphs, I can show you my done column, I'm getting plenty of stuff done. You just are assigning work to me faster than I can actually complete it. And that's something that we need to have a conversation and do that honest reckoning with the capacity and that brutal assessment of priorities.

The last thing I'll leave you with when it comes to making work visible, and we often say again in the Kanban method, we're doing these classes or trainings or whatever, we talk about, okay, you need to make the work visible. And then we'll pause for a minute and we'll say all of the work.

And that's the hard part, right? In this current world where we have so many different inputs and so many different ways to make commitments, it can be really hard tracking our commitments across all of those multiple channels.

And so one of the things that I really encourage teams to do is use the Kanban board as the source of truth for at least commitments that make it to a certain size. If it's going to take you longer than an hour maybe to deliver, or maybe half a day to deliver, it's up to you how much you want to fine tune it. If it's just an email that you're going to answer in five minutes, eh, probably not worth it. Although I will say, sometimes it can be useful if you've got 20 of those emails that are each going to take five minutes, that actually adds up.

And so one of the things I will often suggest is that you have a card that maybe is a recurring card on your Kanban board. I've got one and I just call it email jam. And when that card hits my column, I kind of know that I'm going to spend an hour just kind of chunking out emails. So you can fine tune it a lot of different ways. There's no one way that works perfectly for everybody.

But what I will suggest is that if you're making commitments over the phone, try to capture that commitment as a card on your board. If you're making larger commitments via email or via Slack or Teams or however else you might do it, try to really make sure that you are capturing that commitment as a card on your board so that when you start to look at your board as your representation of the commitments you've made relative to your capacity, you're really seeing everything in there.

And then as you move cards around to reshuffle, to reprioritize, you're able to reprioritize across all of the different commitments that you've made and the potential work that you have to do.

The last last thing I'll say, and I know I said last a minute ago, but this is something that you just have to practice at, right? You're going to have to dial it in over time. The first Kanban board you make, the first system that you use, it is not going to be perfect out of the chute. All we need is for it to be slightly better than what you were doing before, and then we'll make iterative improvements along the way.

And I think that for most teams that I work with, they usually get it dialed in over the course of a couple, three months and get to the point where they have a system that's generally working pretty well. Not to say it can't be improved, and often it will be, but it doesn't take that long to get something working that works pretty well across a team in terms of visualizing work, managing commitments, etcetera.

Okay, I am going to leave it at that for now and I'm going to change up my call to action. I usually say if you have questions, you can email me, john.grant@agileattorney.com and you still can do that. But one of the best ways maybe to have a conversation with me about what are the challenges in your law practice and how a Kanban system can support them is to go to greenline.legal and click that Book A Demo button.

And when you book a demo, you're going to get me on the other side of that. So we can have these conversations about your workflow, but then I also will show you the tool that I've been working on building with my co-founders that I think is hopefully shaping up to be the best management system using the Kanban method for law practices. So greenline.legal, look for that Book A Demo button and I will be glad to show you how it works.

As always, this podcast gets production support from the fantastic team at Digital Freedom Productions and our theme music is "Hello" by Lunara. Thanks for listening and I will catch you again next week.